IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1236 of 2000

Between:

1 Yenamareddy Venkata Rao, S/o Late Y.Chitti Reddy,
D.No. 8-6-46, Chinna Waltair (Boarder of Pedda Waltair)
Visakhapatnam.
2 Smt. Yenamareddi Yellayyamma W/o. Late Y.Chitti Reddy.
D.No. 8-6-46, Pedda Walter,
Visakhapatnam.
3 Yenamareddi Kasulu, S/o. Late Y.Chitti Reddy,
D.No. 8-6-46, Chinna Waltair (Boarder of Pedda Waltair)
Visakhapatnam.
4 Yenamareddi Satyanarayana S/o. Late Y.Chitti Reddy,
D.No. 8-6-46, Chinna Waltair (Boarder of Pedda Waltair)
Visakhapatnam.
5 Yenamareddi Govinda Reddy S/o. Late Y.Chitti Reddy,
D.No. 8-6-46, Chinna Waltair (Boarder of Pedda Waltair)
Visakhapatnam.
6 Yenamareddi Subba Reddy S/o. Late Y.Chitti Reddy,
D.No. 8-6-46, Chinna Waltair (Boarder of Pedda Waltair)
Visakhapatnam.
7 Yenamareddi Siva Reddy S/o. Late Y.Chitti Reddy,
D.No. 8-6-46, Chinna Waltair (Boarder of Pedda Waltair)
Visakhapatnam.
8 Smt. Yenamareddi Somaraju, W/o. Late Jogi Reddy @ Reddamma,
R/o. Kumarapuram VIllage, Payakaraopet Mandalam,
Visakhapatnam.
9 Yenamareddi Tirumula Reddy S/o. Late Jogi Reddy @ Reddamma,
R/o. Kumarapuram VIllage, Payakaraopet Mandalam,
Visakhapatnam.
10 Yenamareddi Suryanarayana S/o. Late Jogi Reddy @ Reddamma,
R/o. Kumarapuram VIllage, Payakaraopet Mandalam,
Visakhapatnam.
11 Smt Yenamareddi Kondamma. W/o. Late Y.Sreeramamurthi,
R/o. Kumarapuram VIllage, Payakaraopet Mandalam,
Visakhapatnam.
12 Yenamareddi Dandu Reddy S/o. Late Y.Sreeramamurthi,

R/o. Kumarapuram VIllage, Payakaraopet Mandalam,
Visakhapatnam.

13 Yenamareddi Laxmanmurthyreddy S/o. Late Y.Jogi Reddy
R/o. Kumarapuram VIllage, Payakaraopet Mandalam,
Visakhapatnam.

14 Dalli Apparao S/o. Late D.Apparao
R/o. Kumarapuram VIllage, Payakaraopet Mandalam,
Visakhapatnam.

... PETITIONERS

AND

1 The Government of A.P., Rep by its Secretary, Revenu Department
Secretariat, Hyderabad
2 Mandal Revenue Officer (M.R.O)
Payakaraopet Mandal, Visakhapatnam.
3 Revenue Divisional Officer (R.D.O), Sub-Collector Office,
Narsipatnam, Visakhapatnam.
4 Sub-Collector, Sub-Collector Office,
Narsipatnam, Visakhapatnam.
5 The District Collector,
Visakhapatnam.
6 Superintendent of Police (Rural), For Payakaraopeta Mandalam,
Visakhapatnam.
7 Village Administrative Officer, (V.A.O),
Kumarapuram Village, Payakaraopeta Mandal,
Visakhapatnam.
8 Sub-Inspector of Police, (Law & Order), Payakaraopeta Police Station,
Payakaraopeta mandala, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction to the respondents of concerned revenue department to restrain threatening of resumption and transfer on third parties, from legal heirs peaceful possession and enjoyment of the absolute immoveable property, land of perfect title document of patta No. T.D. 309 of Survey No. 314 of the deceased owner, and may be pleased to ordered for issue unambiguous documents or certificates to concern said land of the deceased for succession of property to legal heirs according to Hindu law, and also may be pleased to order the agency of the Government to provide protection for peaceful and enjoyment of possession of the legal her is of the deceased immoveable property from the third party interference by violation of law and order and on violation of legal right of the legal her is of the deceased owner, and may be pleased to passed such further or other orders is Hon'ble Court may deem to fit and proper in this circumstances of the case for compensation sustained damages and render justice.

Counsel for the Petitioners: MR.MADDIPRATAP REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed by the petitioners, who are 14 in number, with a prayer to issue a Writ of Mandamus or any other appropriate writ or order or direction to the respondents to restrain from threatening of resumption of land bearing Sy.No.314 and transfer the same to the third parties.

The writ petitioners claim that they are the legal heirs of original pattadar namely Yenamareddy Danvamma @ Dandemma W/o. late Y.Jogi Reddy. Their grievance is that the Village Administrative Officer of Kumarapuram Village has been interfering with their peaceful possession and enjoyment over the land in question.

The respondents 1 to 5 and 7 have filed counter affidavit. One N.Raghupathi Rao has sworn to the counter affidavit. It is stated in the counter affidavit that one Maddi Appalanarasamma and others have been in occupation of the land in question from Fasli 1406. It is also stated in the counter affidavit that the respondents are in no way interfering or obstructing the petitioners from enjoying the lands in question.

I deem it appropriate to refer para 3 of the counter affidavit and it is thus:

> "In reply to the allegations made in paras 5 and 6 of the petitioners' affidavit it is submitted that it is a fact that the land in Survey No.314 measuring Ac.23-18 cents classified as Zeroithi dry was registered in the name of Smt.Yanamareddi Danavamma, W/o. Jogireddy in T.D.No.309 of Kumarapuram village, as per Settlement Fair Adangal. A xerox copy of the same is filed for kind perusal of the Hon'ble High Court. The same land was registered in patta No.436 of Kumarapuram village in the name of 'Yannamreddi Dandamma'. A xerox copy of the same is herewith filed for kind perusal of the Hon'ble High Court. As seen from the records, the present writ petitioners are not recorded as enjoyers of the land by way of patta Transfer as the original pattadar died in the year 1988. The land tax receipts produced by the writ petitioners regarding the enjoyment of said land cannot be considered, as their names are not recorded in the Revenue records after the demise of the original pattadar. The Act 9/77 is not applicable to this land since it was classified and recorded in the Revenue records as Zeroithi dry land."

Learned counsel for the petitioners submits that the Village Administrative Officer has been preventing the petitioners from enjoying the lands in question.

The said fact has been blatantly denied by the respondents in their counter affidavit.

It appears that the dispute is between the petitioners and third parties such as Maddi Appalanarasamma and others. Such is the situation, the writ petition filed by the petitioners seeking the relief as stated above is misconceived.

The Writ Petition is accordingly dismissed. No order as to costs.

B.SESHASAYANA REDDY, J

Dated: 15-06-2005

Note: Furnish C.C. by tomorrow.

B/o.

LSK

To

1 The Secretary, Government of A.P., Revenu Department
Secretariat, Hyderabad
2 Mandal Revenue Officer (M.R.O)
Payakaraopet Mandal, Visakhapatnam.
3 Revenue Divisional Officer (R.D.O), Sub-Collector Office,
Narsipatnam, Visakhapatnam.
4 Sub-Collector, Sub-Collector Office,
Narsipatnam, Visakhapatnam.
5 The District Collector, Visakhapatnam.
6 Superintendent of Police (Rural), For Payakaraopeta Mandalam,
Visakhapatnam.
7 Village Administrative Officer, (V.A.O),
Kumarapuram Village, Payakaraopeta Mandal,
Visakhapatnam.
8 Sub-Inspector of Police, (Law & Order), Payakaraopeta Police Station,
Payakaraopeta mandala, Visakhapatnam.

9 Two C.Cs. to the G.P. for Revenue, High Court buildings,
Hyderabad. (OUT).

10. Two C.D. copies.